

REMARKS

New drawing sheets for Figs. 1, 11 and 12 are submitted herewith, in lieu of the originals, to take care of the formal matter pointed out by the Examiner.

Also, pages 11 and 19 are amended as needed.

The claims previously in the case have been replaced by a set of new claims that are believed to be proper as to form and clearly patentable over the cited references. In drafting the new claims, careful attention was paid to the Examiner's formal criticisms of the original claims, all of which are believed to be satisfied by the new claims, except as to claim 9, line 5, in which the original text is accurate.

Reconsideration is accordingly respectfully requested, for the rejection of the claims as unpatentable over CHARRIER 4,741,015 in view of HINTON et al. 5,485,502, or ZYLKA et al. 6,490,477 in view of HINTON et al.

To make these rejections work, you have to read the transverse axis of rotation as being the claimed axis. Instead, the claimed axis is the longitudinal axis.

This is made plain in new claim 21, wherein it is recited that all movable parts of the gantry are, in all situations, situated at a distance from the rotation axis which is greater than the predetermined value. The two support

locations are then recited as being situated on opposite sides of the treatment volume, in a direction parallel to that axis.

Thus, the axis that we claim cannot be a transverse axis, because it is recited in new claim 21 that all movable parts of the gantry are, in all situations, situated at a distance from that axis.

In CHARRIER, in which there are plural axes, the two locations are shown in Fig. 3 at 19, but these are located on the transverse axis. Thus, the device of CHARRIER has the axis in question disposed at a right angle to the claimed axis of the present invention; and this is made plain by the terms of claim 21, as explained above.

Notice also new claims 37-39, in which the direction of the couch on which the patient lies, is related to the claimed axis.

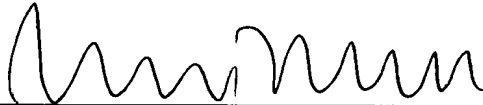
As to ZYLKA et al., Fig. 3 makes it plain that the ZYLKA construction is not substantially different from that of CHARRIER; so the same arguments against CHARRIER apply equally to ZYLKA et al.

As the claims now in the case bring out these distinctions with ample particularity, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

YOUNG & THOMPSON



---

Robert J. Patch, Reg. No. 17,355  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

RJP/lrs

APPENDIX:

The Appendix includes the following items:

- replacement sheets for Figs. 1, 11 and 12